

## Message Text

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14

ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 CCO-00 NSCE-00 /026 W

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O 310200 Z MAR 73

FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE NIACT 3879

S E C R E T SECTION 1 OF 2 SANTIAGO 1341

EXDIS

E. O 11652: GDS

TAGS: CI, PFOR, US

SUBJ: US- CHILEAN BILATERAL TALKS ON COMPENSATION

1. SUMMARY. AMBASSADOR LETELIER EXPRESSED TO ME DEEP DISCOURAGEMENT OVER THE OUTCOME OF THE TALKS. HE SAID IT WAS HIS IMPRESSION THAT USG HAS CLEARLY REJECTED USE OF THE 1914 TREATY MECHANISM AND IS ASKING FOR A GOC COMMITMENT TO A CONSTITUTIONAL ADMENDMENT. HE SAID HE THOUGH OUR REITERATION OF THE DEMAND FOR DIRECT TALKS WITH THE COMPANIES WAS A RETROGRESSION. LETELIER SAID HE ALSO BROUGHT

AWAY IMPRESSION THAT WE HAD TERMINATED NEGOTIATION. HE DESCRIBED REACTION IN GOC AS STRONG, AND SAID THAT OTHER MEMBERS OF THE CHILEAN DELEGATION THOUGHT WE HAD ENGAGED IN "THREATS"-- A VIEW HE DID NOT SHARE. BUT ACCORDING TO LETELIER HIS COLLEAGUES AND MUCH OF GOC BELIEVE THERE HAS BEEN A REVERSAL IN OUR POLICY. HE THOUGH INOSTROZA' S PROBLEM IN RENEGOTIOATION FMS DEBTS TENDED TO CONFIRM THIS CONCLUSION WITHIN GOC.

2. I TOLD LETELIER IT WAS NOT MY UNDERSTANDING THAT WE HAD REJECTED CONSIDERATION OF THE 1914 TREATY. WE COULD NOT VERY WELL BE EXPECTED TO HAVE A FIRM POSITION WHEN IT BECAME CLEAR ONLY A FEW DAYS BEFORE THE TALKS THAT THE CHILEAN REFERENCE TO THIS MECHANISM WAS MEANT TO BE A FORMAL PROPOSAL. NEITHER DID I BELIEVE THAT WE MEANT TO RUPTURE TALKS OR THAT OUR POLICY HAS BEEN REVERSED. RATHER, WE WERE TRYING TO PROBE WHAT THE CHILEANS MEANT BY THEIR PROPOSAL AND WHERE IT WOULD LEAD IN TERMS OF REAL SOLUTIONS. REFERRING TO THE REACTIONS IN THE GOC AND TO THE ACCOUNTS BROUGHT BACK BY THE OTHER DELEGATES, LETELIER SAID IT WOULD BE IMPORTANT  
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FOR ME TO CLARIFY OUR POSITION TO THE FOREIGN MINISTER BEFORE HE DEPARTS FOR OASGA ON MONDAY.

3. ACTION REQUESTED - I WOULD APPRECIATE AUTHORIZATION BEFORE MONDAY MORNING IF POSSIBLE TO MAKE POINTS OUTLINED IN PARAGRAPH 14 TO ALMEYDA. I WOULD ALSO APPRECIATE A STATUS REPORT ON THE FMS TALKS. END SUMMARY.

4. TODAY AMBASSADOR LETELIER AND I LUNCHEDED TOGETHER. AMBASSADOR LETELIER EXPRESSED DEEPEST DISCOURAGEMENT ( PROBABLY IN PART FOR EFFECT BUT PROBABLY ALSO TO CONSIDERABLE EXTENT REAL). HE TOLD ME HE IS THINKING OF RESIGNING. HE CLAIMED TALKS LAST WEEK HIT CHILEAN

GOVERNMENT LIKE A BOMBSHELL. AND ONLY DIVERSIONARY INFLUENCE OF SOCIALIST AND COMMUNIST MEETING BLUNTED PRIVATE AND PUBLIC EDGE OF REACTION TO TALKS OUTCOME. HE SAID IT HAD NOT BEEN HIS INTENTION TO RETURN TO SANTIAGO, BUT STORIES BROUGHT BACK BY OTHER MEMBERS CHILEAN DELEGATION INDUCED ALMEYDA TO RECALL HIM AND GET HIS VERSION.

5. I SAID I WAS CONCERNED ABOUT PRESS STORIES WHICH HAD BEGUN TO APPEAR IN SANTIAGO. IN PARTICULAR, I NOTED CHILE HOY PIECE ( SANTIAGO 1334) WHICH STRUCK ME AS CONTAINING ERRORS OF FACT AND INTERPRETATION ABOUT U. S. POSITION. I REMARKED THAT WE HAD DIFFERENCE ENOUGH WITHOUT MISUNDERSTANDING EACH OTHER ON WHAT OUR PROPOSITIONS REALLY WERE. LETELIER SAID HE HAD READ CHILE HOY STORY, AND WAS STRUCK BY AMOUNT OF INFORMATION ABOUT TALKS WHICH IT REVEALED. HE ASKED ME TO COMMENT FURTHER ON THE ERRORS REGARDING THE U. S. POSITION. I SAID IT WAS MY IMPRESSION FROM REPORT I HAD RECEIVED FROM WASHINGTON THAT THE U. S. SIDE HAD NOT REJECTED CONSIDERATION OF THE 1914 TREATY. LETELIER COMMENTED A CLEAR REJECTION HAD ESSENTIALLY BEEN HIS IMPRESSION OF OUR VIEW. HE SAID HE UNDERSTOOD THIS, HE THOUGHT, FROM ALL MEMBERS OF THE U. S. DELEGATION. HE ADDED AS AN ASIDE THAT OUR JUDICIAL ADVISOR SEEMED TO REGARD THE 1914 TREATY AS NOT EVEN SERIOUS ( UNA TONTERIA). I ANSWERED THAT I HAD NO WISH TO OBSCURE THE FACT THAT WE HAD DEEP RESERVATIONS ABOUT THE 1914 TREATY AS AN INSTRUMENT WHICH MIGHT LEAD TO A SUBSTANTIVE RESOLUTION OF OUR DIFFERENCES. I REMINDED LETELIER THAT I HAD TOLD HIM THIS ALMOST A YEAR AGO, WHEN WE FIRST DISCUSSED THE TREATY, AND THAT I KNEW OUR DOUBTS AND PREOCCUPATIONS HAD BEEN CLEARLY INDICATED BY MY WASHINGTON COLLEAGUES IN BOTH ROUNDS OF TALKS  
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AND ON OTHER OCCASIONS. NEVERTHELESS, I SAID MY UNDERSTANDING WAS THAT WE HAD NOT REJECTED THE TREATY IN THE WASHINGTON TALKS. OUR POSITION IN THIS REGARD WAS A SERIOUS ONE. I ADDED THAT I UNDERSTOOD WE HAD NOT REGARDED THE TREATY IDEA AS A FIRM PROPOSAL UNTIL LETELIER AND I HAD LUNCH TOGETHER THE SATURDAY BEFORE THE TALKS STARTED. I SAID I THOUGHT LETELIER KNEW ENOUGH ABOUT THE CLEARANCE AND POLICY PROCESS IN THE U. S. GOVERNMENT TO UNDERSTAND THAT IT WAS UNREASONABLE TO EXPECT A DEFINITIVE RESPONSE TO THAT PROPOSAL IN THE SPACE OF TWO OR

THREE DAYS.

6. AS WE TALKED ABOUT THE LACK IN THE TREATY OF ANY PROVISION WHICH WOULD LEAD TO ARBITRATION OF OUR DIFFERENCES, LETELIER SAID HIS UNDERSTANDING OF OUR POSITION WAS THAT WE WERE ASKING FOR A COMMITMENT TO A CONSTITUTIONAL AMENDMENT ON THE CHILEAN SIDE. I SAID THAT WAS NOT EXACTLY MY IMPRESSION. AS I UNDERSTOOD IT, OUR DELEGATION WAS TRYING TO FIND OUT WHAT THE CHILEANS REALLY DID MEAN IN THEIR PROPOSAL, AND HOW THE CHILEANS ENVISAGED THAT IT WOULD LEAD TO A CONCRETE RESOLUTION OF THE PROBLEM. I HAD THE IMPRESSION THAT THERE WAS AN INBALANCE BETWEEN WHAT THE CHILEANS WERE EXPECTING OF US AND THEM. ON THE U. S. SIDE, THEY EXPECTED IMMEDIATE SUBSTANTIAL AND SPECIFIC ACTION. ON THE CHILEAN SIDE THEY PRESENTED A PERSPECTIVE WHICH WAS CONDITIONAL, SPECULATIVE AND SOMEWHAT HAZY. WE WERE EXPECTED TO SHOW " FLEXIBILITY" RIGH NOW. THEIR FLEXIBILITY HAD A CERTAIN ASPECT OF AN OASIS SHIMMERING IN THE DISTANCE. I SAID I THOUGH OUR BASIC THRUST IN THE TALKS HAD BEEN TO EXPLORE THE POSSIBILITIES.

7. IN ANSWER LETELIER REFERRED TO A CONVERSATION HE HAD HAD WITH ASSISTANT SECRETARY HENNESSY. HE SAID HENNESSY' S POINT OF VIEW, AS HE UNDERSTOOD IT, WAS THAT THE U. S. DID MAKE A CONCRETE DEMONSTRATION OF FLEXIBILITY AT THE PARIS TALKS LAST APRIL, IN TURN THE U. S. EXPECTED SOME SUBSTANTIAL RECIPROCITY FROM CHILE. LETELIER SAID HE THOUGHT THIS WAS THE FUNDAMENTAL PROBLEM, MORE BASIC THAN THE INTERPRETATIONS OF ARTICLE 4 OR WHETHER THE ANACONDA PAGARES WERE IN WHICH PARAGRAPH. LETELIER SAID HENNESSY HAD A POINT. NEVERTHELESS, CHILE DOES HAVE A REAL AND DEEPLY SERIOUS PROBLEM WITHIN ITS GOVERNING COALITION. ALLENDE GENUINELY NEEDS TIME TO WORK IT OUT. LETELIER UNDERSTOOD THAT THE PRESIDENT' S DEEP INTERNAL DIFFICULTY WAS NOT THE FAULT OF THE U. S., BUT IT WAS NEVERTHELESS A REALITY THAT COULD NOT BE WISHED AWAY BY THEM OR  
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BY US. THEREFORE CHILE NEEDS SOME UNDERSTANDING AND FLEXIBILITY ON OUR

PART IN THE INTERIM. IT WILL NOT HELP SIMPLY TO REITERATE THE DEMAND THAT CHILE ENTER INTO DIRECT NEGOTIATIONS WITH THE COMPANIES AND " SOLVE THE PROBLEM"-- AS IF CHILE' S CONSTITUTIONAL AND POLITICAL REALITY WAS OF NO CONSEQUENCE. LETELIER HAD THOUGHT OUR AGREEMENT TO THE TALKS IN DECEMBER HAD IMPLIED THAT WE WERE PREPARED TO TLAK ON THE GOVERNMENT- TO- GOVERNMENT LEVEL, AND THAT WE WOULD NOT SIMPLY GO ON INSISTING ON DIRECT TLAKS WITH THE PRIVATE COMPANIES. AS ALLENDE HAD TOLD ME EARLIER, CHILE IS NOT NOW IN A POSITION TO SIT DOWN WITH THE COMPANIES AND WORK OUT THE PROBLEM DIRECTLY. THE REITERATION OF THIS DEMAND ON THE U. S. SIDE STRUCK LETELIER, HE SAID, AS GOING BACK TO " SQUARE ONE".

8. AT THIS POINT I MENTIONED MAIRA' S PUBLIC COMMENT ON MARCH 29

( SANTIAGO 1332), NOTING THAT IT HAD NOT PUT US IN ANY EASIER POSITION TO HAVE A MEMBER OF THE CHILEAN DELEGATION RETURN TO SANTIAGO AND SAY THAT THE GOVERNMENT OF CHILE CONSIDERS THE COPPER CHAPTER" DEFINITELY CLOSED IN FAIR AND EQUITABLE FASHION," AND THAT " THE U. S. COMPANIES HAVE BEEN INDEMNIFIED". LETELIER EXPRESSED LACK OF KNOWLEDGE OF WHAT MAIRA HAD SAID. HE ADDED THAT MAIRA WAS A JOURNALIST AND A POLITICIAN OF THE IZQUIERDA CRISTIANA -- AND IT WAS NOT ALWAYS EASY TO WORK IN A COALITION GOVERNMENT. HE ALSO EXPRESSED SOME SENSITIVITY AT OUR HAVING BORNE DOWN ON MAIRA'S PUNTO FINAL ARTICLE.

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ACTION SS-25

INFO OCT-01 ADP-00 SSO-00 CCO-00 NSCE-00 /026 W

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC IMMEDIATE NIACT 3880

S E C R E T SECTION 2 OF 2 SANTIAGO 1341

EXDIS

9. I WENT ON TO SAY I DID NOT THINK CHILEAN PRESS DESCRIPTIONS OF TALKS AS HAVING ENDED IN RUPTURE OR " BREAKDOWN" AT BEHEST OF U. S. SIDE WERE ALTOGETHER ACCURATE. LETELIER SAID HE HAD BEEN ROCKED BY THE " POST- COFFE BREAK SESSION" OF THE TALKS ON FRIDAY AFTERNOON. LETELIER HAD BEEN WORKING OUT A PROPOSAL FOR THE SETTING UP OF A WORKING GROUP TO CONTINUE DISCUSSIONS AND EXPLORE POSSIBILITIES. HOWEVER, THE U. S. CHAIRMAN RECONVENED THE MEETING AND TOLD THE CHILEANS THAT, IN THE U. S. VIEW, POSSIBILITIES FOR TALKS AT THE PRESENT LEVEL HAD BEEN EXHAUSTED.

THE U. S. CHAIRMAN WENT ON TO OBSERVE THAT DIPLOMATIC RELATIONS BETWEEN THE TWO COUNTRIES CONTINUE, BUT HE LEFT THE IMPRESSION ON THE CHILEAN SIDE THAT THE U. S. WAS TERMINATING NEGOTIATIONS. I SAID THAT MY IMPRESSION WAS THAT OUR CHAIRMAN HAD TALKED ABOUT STUDYING THE PROPOSALS AND POSITIONS OF THE OTHER SIDE AND THEN CONSIDERING WHERE TO GO FROM THERE. LETELIER ACKNOWLEDGED THAT THERE HAD BEEN SOME SUCH REMARK, BUT HE TOOK IT AS SIMPLY AND ELEMENTARY EXPRESSION OF GOOD BREEDING. I SAID NO, I THOUGHT IT SHOULD BE REGARDED AS SERIOUS EXPRESSION OF THE U. S. POSITION.

10. DISAVOWING THAT IT WAS HIS OWN VEIW, LETELIER SAID HIS DELEGATION COLLEGAURES HAD COME BACK TO SANTIAGO WITH THE IMPRESSION THAT THE U. S. POSITION HAD BEEN A SERIES OF " THREATS." LETELIER

ADDED THAT HE WANTED TO MAKE CLEAR THAT THE U. S. CHAIRMAN HAD SHOWN HIM EVERY COURTESY AND CONSIDERATION AT THE PERSONAL LEVEL. NEVERTHELESS, THE IMPRESSION OF LETELIER' S COLLEAGUES WAS THAT U. S. HAD MADE A 180 DEGREE TURN IN POLICY- A SHARP AND COMPLETE REVERSAL FROM DECEMBER. LETELIER SAID HE DID NOT ALTOGETHER  
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SHARE THIS VIEW, ALTHOUGH HE DID THINK THE U. S. POSITION HAD BEEN TOTALLY INFLEXIBLE.

11. LETELIER THEN MENTIONED THE QUESTION OF FMS CREDITS. HE SAID INOSTROZA HAD COME TO WASHINGTON PREPARED TO FINISH UP THIS AGREEMENT AND GET THIS PROBLEM OUT OF THE WAY. WHEN LETELIER LEFT WASHINGTON FOR CHILE, THE TALKS WERE GOING NORMALLY AT THE PENTAGON, AND THINGS SEEMED ON THE TRACKS. WHEN INOSTROZA TELEPHONED HIM YESTERDAY, HOWEVER, THINGS APPEARED TO HAVE FALLEN APART. APPARENTLY THE ISSUE WAS AMERICAN INSISTANCE ON AN EXPLICIT CHILEAN COMMITMENT THAT 1973 FMS SERVICING WOULD BE PAID IN FULL AND NOT RENEGOTIATED. LETELIER SAID INOSTROZA INTERPRETED THIS U. S. POSITION AS ANOTHER REFLECTION OF OUR 180 DEGREE TURN IN OVERALL POLICY-- WITH THE PENTAGON NEGOTIATORS HAVING " GOTTEN THE WORD" BETWEEN SESSIONS. LETELIER EXPLAINED THAT THE U. S.- CHILE MILITARY DEBT IS RELATIVELY SMALL, BUT CHILE CANNOT GO TO PARIS WITH AN EXPLICIT COMMITMENT THAT 1973 MILITARY DEBTS WILL NOT BE RENEGOTIATED WITH THE U. S. CHILE OWES HUNDRED OF MILLIONS OF DOLLARS IN EUROPE AND IS NOT IN A POSITION TO GIVE US TERMS THAT CANNOT BE EXTENDED TO OTHER CREDITORS. LETELIER SUGGESTED THAT A SOLUTION MIGHT BE FOR THE FMS RENEGOTIATION AGREEMENT EITHER BE SILENT ON 1973 OR ACKNOWLEDGE THAT 1973 ARRANGEMENTS MIGHT BE EFFECTED BY AGREEMENTS REACHED IN PARIS. LETELIER URGED THAT WE SEEK SOME FORMULA THAT WOULD NOT COMPROMISE EITHER OF OUR POSITIONS. HE MENTIONED THAT HE HAD TALKED WITH PRATS ABOUT THIS PROBLEM ( WHICH EXPLAINS PRATS' REMARKS TO ME ON FRIDAY). LETELIER ADDED INOSTROZA HAD GONE TO WASHINGTON PREPARED TO SETTLE THE PROBLEM OF LOAN PAYMENTS DENOMINATED IN ESCUDOS-- BUT WAS NOW FEELING UP IN THE AIR. LETELIER ADDED THAT THE PEOPLE DEALING WITH CERRO HERE IN SANTIAGO HAD ASKED WHETHER THEY SHOULD CONTINUE TRYING TO WORK OUT A SOLUTION IN LIGHT OF THE U. S. POLICY REVERSAL. LETELIER SAID HE HAD CHECKED WITH THE PRESIDENT WHO HAD TOLD HM THAT CHILE' S NEGOTIATORS SHOULD OF COURSE GO AHEAD WITH CERRO.

12. I SAID THAT I THOUGHT I WOULD HAVE BEEN IN A POSITION TO KNOW IF THERE HAD BEEN AN OVERALL REVERSAL OF U. S. POLICY, AND THAT HERE HAD NOT BEEN ONE. I ADDED, WITH REFERENCE TO CHILE HOY, THAT I WAS UNAWARE OF THE MARCH 4 ELECTIONS HAVING AFFECTED OUR POSITIONS. LETELIER REMARKED THAT, AS IT WORKED OUT, THE TALKS HAD SUFFERED FROM AN UNLUCKY ACIDENT OF TIMING. IN THIS CONNECTION  
SECRET

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HE REFERRED TO THE CHILE HOY ACCUSATION THAT OUR FAILURE TO HAVE OUR NEW ASSISTANT SECRETARY PRESIDE WAS A DELIBERATE EFFORT TO UNDERSCORE OUR POLICY REVERSAL. I ANSWERED THAT WE HAD NO SUCH PURPOSE, AND EXPLAINED WHAT IT WOULD HAVE BEEN EXTREMELY DIFFICULT FOR US TO GO BACK TO THE CHILEANS AT THIS POINT TO REQUEST FURTHER DELAY. I ALSO NOTED THAT ASSISTANT SECRETARY- DESIGNATE KUBISCH CONFIRMATION WOULD STILL TAKE A LITTLE TIME. LETELIER SAID HE FULLY UNDERSTOOD THIS, AND DID NOT SHARE CHILE HOY'S SUSPICION. HE MENTIONED THE POSSIBILITY THAT MR. KUBISCH MIGHT ASK TO CALL ON ALMEYDA INFORMALLY IN WASHINGTON, BUT I SAID I DOUBTED THAT THIS WOULD BE PRACTICAL BEFORE CONFIRMATION.

13. I REMARKED THAT I WOULD LIKE TO READ OVER THE ACCOUNT I HAD RECEIVED OF THE WASHINGTON TALKS TO VERIFY THE POINTS OF APPARENT MISUNDERSTANDING WE HAD DISCUSSED. LETELIER SAID THAT IF I WAS RIGHT, HE THOUGHT IT WOULD BE IMPORTANT THAT I CLARIFY THESE POINTS QUICKLY. HE SAID THAT IN HIS DISCUSSIONS WITH PRESIDENT ALLENDE, THE FOREIGN MINISTER, AND OTHERS HE FOUND HIMSELF IN THE HELPLESS POSITION OF HAVING NOTHING FIRM TO STAND ON WHEN TRYING TO MITIGATE OR CHANGE THE IMPRESSIONS HIS DELEGATION COLLEAGUES HAD BROUGHT HOME WITH THEM. HE ASKED ME, IF I COULD CLARIFY THESE POINTS, TO CALL ON ALMEYDA BEFORE HE DEPARTS SANTIAGO MONDAY AFTERNOON. HE MENTIONED THE OASGA ( AS DID CHILE HOY) AND SAID HE THOUGHT IT IMPORTANT TO CLEAR UP ANY MISUNDERSTANDINGS WE MAY HAVE PRIOR TO GETTING INTO A PUBLIC DIALOGUE OR EVEN CONFRONTATION IN THE OAS. LETELIER ADDED THAT IT WOULD BE EVEN BETTER IF WE COULD MAKE SOME SUBSTANTIVE PROPOSAL OR EVEN SUGGEST SOME DATE FOR RENEWED TALKS. I SAID I DID NOT THINK THIS WAS LIKELY TO BE PRACTICAL INTERMS OF TIME, AND REMINED LETELIER OF HIS OWN GOOD KNOWLEDGE OF OUR POLICY MAKING PROCESS. I ADDED THAT I THOUGHT WE HAD PROPOSED TO REFLECT ON AND STUDY EACH OTHER'S PROPOSALS, AND FOR THE MOMENT THIS MIGHT BE THE BEST COURSE.

14. ACTION REQUEST- BEFORE MONDAY MORNING IF POSSIBLE, I WOULD APPRECIATE AUTHORIZATION TO ADVISE ALMEYDA OF THE FOLLOWING:

- A) THE U. S. POSITION IS NOT ONE OF REJECTING THE 1914 TREATY - THOUGH WE HAVE SERIOUS RESERVATIONS ABOUT ITS ADEQUACY;
- B) THE U. S. HAS NOT PUT FORWARD AN ENABLING CHILEAN CONSTITUTIONAL AMENDMENT AS A UNIQUE OR INVARIABLE DEMAND; C) THE U. S. POSITION IS NOT THAT OF A RUPTURE OR BREAKDOWN IN TALKS AT OUR BEHEST;
- D) U. S. POLICY AND POSITIONS HAVE NOT BEEN REVERSED, AND BASIC SECRET

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U. S. POLICY CONTINUES TO BE TO SEEK A RESOLUTION OF OUR DIFFERENCES AND E) WE DO MEAN TO STUDY CHILEAN POSITIONS AND PROPOSALS SERIOUSLY AND EXPRESS THE HOPE THAT THE CHILEAN GOVERNMENT WILL ALSO DO SO WITH RESPECT TO OURS. I AM HOPEFUL OF GETTING

INSTRUCTIONS BEFORE MONDAY MORNING BECASUE OF NEED TO REQUEST  
AND SCHEDULE APPOINTMENT AND ALSO BECAUSE ALMEYDA WILL PRESUMABLY  
WANT TO DISCUSS CHILE' S COURSE OF ACTION IN THE OASGA WITH ALLENDE  
AND PERHAPS OTHERS IN THE LIGHT OF WHAT I AM AUTHORIZED  
TO SAY. I WOULD BE GRATEFUL FOR A STATUS REPORT ON OUR FMS TALKS.  
DAVIS

SECRET

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